UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NML CAPITAL, LTD., Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	:	03 Civ. 8845 (TPG) 05 Civ. 2434 (TPG) 06 Civ. 6466 (TPG) 07 Civ. 1910 (TPG) 07 Civ. 2690 (TPG) 07 Civ. 6563 (TPG) 08 Civ. 2541 (TPG) 08 Civ. 3302 (TPG) 08 Civ. 6978 (TPG) 09 Civ. 1707 (TPG) 09 Civ. 1708 (TPG)

NOTICE OF SUBPOENA DUCES TECUM AD TESTIFICANDUM

TO: Carmine D. Boccuzzi Jr.
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006

PLEASE TAKE NOTICE that, pursuant to Rules 34(c) and 45 of the Federal Rules of Civil Procedure, Plaintiff NML Capital, Ltd., by its undersigned counsel, will issue the attached subpoena on Diego Adolfo Marynberg for the production of documents, electronically stored information, and tangible things. The requested documents and things must be produced on or before March 5, 2015 at the offices of Dechert LLP, 1095 Avenue of the Americas, New York, New York 10036 (attention: Collin Hessney, Esq.), or at such other time and place as may be agreed upon in writing by counsel for the parties.

Also note that pursuant to Rules 30 and 45 of the Federal Rules of Civil Procedure, Plaintiffs are requesting Diego Adolfo Marynberg appear for a deposition at the offices of Dechert LLP, 1095 Avenue of the Americas, New York, New York 10036 on March 19, 2015 at 2:00 pm or at such other time and place as may be agreed upon by counsel for the parties.

Dated: February 2, 2015

By: ______________________

Dennis H. Hranitzky
Debra D. O'Gorman
Collin F. Hessney

Dechert LLP
1095 Avenue of the Americas
New York, NY 10036-6797

Attorneys for Plaintiff
NML Capital Ltd.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing document was served by email on counsel of record in accordance with the Federal Rules of Civil Procedure.

Carmine D. Boccuzzi Jr.
Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006
(212) 521-5400
(cboccuzzi@cgsh.com)

Dated: New York, New York
February 2, 2015

Debra D. O'Gorman

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NML CAPITAL, LTD. Plaintiff, - against - THE REPUBLIC OF ARGENTINA, Defendant.	:	03 Civ. 8845 (TPG) 05 Civ. 2434 (TPG) 06 Civ. 6466 (TPG) 07 Civ. 1910 (TPG) 07 Civ. 2690 (TPG) 07 Civ. 6563 (TPG) 08 Civ. 2541 (TPG) 08 Civ. 3302 (TPG) 08 Civ. 6978 (TPG) 09 Civ. 1707 (TPG) 09 Civ. 1708 (TPG)

SUBPOENA DUCES TECUM AD TESTIFICANDUM

To: Diego Adolfo Marynberg
110 Central Park S, 17th floor
New York, NY 10019-1503

PLEASE TAKE NOTICE THAT you are commanded, pursuant to Rules 34(c) and 45 of the Federal Rules of Civil Procedure, to produce for inspection and copying to the offices of Dechert LLP, 1095 Avenue of the Americas, New York, New York 10036 (attention: Collin Hessney, Esq.) on or before March 5, 2015, all documents specified in Attachment B to this subpoena, in accordance with the Definitions and Instructions set forth in Attachment B.

PLEASE TAKE FURTHER NOTICE THAT, pursuant to Rules 30 and 45, Plaintiffs will take the deposition of Diego Adolfo Marynberg on March 19, 2015 at 2:00 pm at the offices of Dechert LLP, 1095 Avenue of the Americas, New York, New York 1003, or at such other time and place as may be agreed upon by counsel. The deposition will continue from day-to-day until completed. Some or all of the deposition testimony may be recorded by stenographic, audio, and/or videographic means.

This subpoena has been issued by the United States District Court for the Southern District of New York. Your failure to comply with this subpoena may be punished as contempt of that court. Pursuant to the requirements of Rule 45(a)(1)(A)(iv) of the Rules, the text of Rule 45(d) and (e) is reproduced in this subpoena.

Dated: February 2, 2015

By: ______________________
Dennis H. Hranitzky
Debra D. O'Gorman
Collin F. Hessney

Dechert LLP
1095 Avenue of the Americas
New York, NY 10036-6797

Attorneys for Plaintiff
NML Capital Ltd.

ATTACHMENT A

BACKGROUND INFORMATION

Through this subpoena, Plaintiff NML Capital Ltd. ("**NML**") seeks information regarding Latam Securities LLC ("**Latam**")—a Delaware LLC with its principal place of business in New York City. Latam is owned by an Argentine national named Diego Adolfo Marynberg ("**Marynberg**"), who is currently the subject of a criminal investigation pending in Argentina involving allegations of insider trading, money laundering, breach of public duty and conspiracy, among other crimes. Under Argentine criminal law, any funds traceable to the criminal conduct may become property of Argentina available to satisfy, in part, NML's judgments against the Republic of Argentina ("**Argentina**").[1]

A criminal complaint against Marynberg and Argentina's Economy Minister, Axel Kicillof ("**Kicillof**"), asserted that Marynberg, "informally advised the Kicillof team during the fight with the vulture funds" (Argentina's derogatory name for holders of U.S. court judgments). Marynberg and people affiliated with Latam are reputed to have close ties with Argentine government officials. Minister Kicillof actively and defiantly led Argentina's attempt to evade an injunction (the "**Equal Treatment Injunction**") issued by the Federal District Court in the Southern District of New York; the Federal District Court issued a contempt citation against Argentina for Minister Kicillof's evasion. NML strongly suspects that Marynberg and people affiliated with Latam have knowledge of this ongoing scheme.

I. NML's Judgments Against Argentina and Related Proceedings.

NML holds more than $2 billion of judgments against Argentina. To avoid its payment obligations, Argentina has engaged in elaborate mechanisms to shield its assets from creditors. Argentina's bad faith towards it creditors and disrespect for the authority of the United States courts has compelled NML to track Argentina's assets—both within the United States, and abroad—in the hope of executing on them as local law permits. Recognizing this fact, the Federal District Court judge in Manhattan (the "**New York Court**") who has presided over Argentina's debt default litigation for the last 12 years has endorsed NML's discovery efforts as fully consistent with Federal Rule of Civil Procedure 69(a)(2), which governs post-judgment discovery. In the words of the aforementioned judge, "plaintiffs in these actions should be allowed some liberality in exploring means of enforcing their judgments ... and I do not intend to take a narrow view when it comes to dealing with attempts to enforce the judgments."[2] Just six weeks ago, the United States Court of Appeals for the Second Circuit upheld the District Court's order granting NML's motion to compel discovery served on both Argentina and a various third parties. The Court held that third parties who "may possess information about Argentina's assets, even if [they] do not own or hold the assets," must comply with NML's

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1 Expert Opinion of Pablo Maggio, *NML Capital Ltd. v. Republic of Argentina*, No. 2:14-cv-01573-RFB-VCF (D. Nev. Nov. 14, 2014) (Dkt. No. 27-1) ¶¶ 24-29.

2 Transcript of *EM Ltd. & NML Capital Ltd. v. Republic of Argentina*, Feb. 2, 2007.

subpoenas and noted that "broad post-judgment discovery in aid of execution is the norm is federal court."[3]

Another Argentine national, Lázaro Báez ("**Báez**"), is currently being investigated by Argentine prosecutors for embezzling over $65 million of state funds out of Argentina through shell corporations in Nevada and elsewhere. In August of 2013, NML served subpoenas on 123 Nevada shell corporations affiliated with Báez (collectively, the "**Báez Entities**"). The Báez Entities refused to comply and NML subsequently moved to compel. On August 11, 2014, the U.S. Magistrate Judge for the District of Nevada (the "**Nevada Court**") granted NML's motion to compel.[1] In that decision, the Nevada Court held that NML made a "threshold showing" connecting the Báez Entities with discoverable information because NML sought information to help trace assets that may be subject to criminal disgorgement or similar remedies, pursuant to which it will revert to the Argentine state —and which therefore could be used to satisfy, in part, NML's judgments against Argentina.[2] Like Báez and the Báez Entities, Marynberg and Latam are also the subject of a criminal investigation in Argentina and may be in possession of information that will assist NML is tracing assets that may be subject to criminal disgorgement or similar remedies, pursuant to which it will revert to the Argentine state. As explained above and below, NML suspects Latam and Marynberg may have information about Argentina's scheme to evade the Equal Treatment Injunction.

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3 *NML Capital Ltd. v Republic of Argentina*, No. 13-4054 (2d Cir. Dec. 23, 2014) (Dkt. No 170-1).

[1] *NML Capital Ltd. v. Republic of Argentina*, No. 2:14-cv-492-RFB-VCF, 2014 WL 3898021 (D. Nev. Aug. 11, 2014).

[2] *Id.*

ATTACHMENT B

DEFINITIONS

1. The term "**Argentina**" means the Republic of Argentina, as well as its ministries, political subdivisions (including without limitation all provinces, cities, municipalities, and the like), representatives, and assigns, and all other Persons acting or purporting to act for or on Argentina's behalf, whether or not authorized to do so.

2. The term "**Communication**" (or **"Communications"**) means the transmittal of information in the form of facts, ideas, inquiries or otherwise. Local Civil Rule 26.3.

3. The term "**Concerning**" means relating to, referring to, describing, evidencing or constituting. Local Civil Rule 26.3.

4. The term "**Document**" (or "**Documents**") is defined to be synonymous in meaning and equal in scope to the usage of the term "Documents or electronically stored information" in Fed. R. Civ. P. 34(a)(1)(A), and includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilation, stored in any medium from which information can be obtained either directly or, if necessary, after translation by the responding party into a reasonably usable form. A draft or non-identical copy is a separate Document within the meaning of this term. Fed. R. Civ. P. 34(a).

5. The term **"Person"** means any natural Person, or any business, legal, or governmental entity, or association. Local Civil Rule 26.3.

6. The term "**Relevant Time Period**" means between January 1, 2013 and the date of your response to this Subpoena.

7. The terms "**You**" and "**Your**" means Diego Adolfo Marynberg.

INSTRUCTIONS

1. Documents called for by this subpoena are to include all portions, or pages of each document, and all attachments, enclosures, appendices, and supporting documentation, including, without limitation, originals, copies, non-identical copies (that may contain handwritten notes, markings, stamps, interlineations or electronic information), drafts, working papers, routing slips, and similar materials.

2. A document is deemed in your actual or constructive possession, custody, or control if it is in your physical custody, or if it is in the physical custody of any other person and you (a) own such document in whole or in part; (b) have a right, by control, contract, statute, order, or otherwise, to use inspect, examine or copy such document on any terms; (c) have an understanding, express or implied, that you may use, inspect, examine, or copy such document upon any terms; or (d) have, as a practical matter, been able to use, inspect, examine, or copy such document when you sought to do so. For the avoidance of doubt, a document is deemed in your actual or constructive possession, custody, or control if it is accessible on a network or server that you maintain.

3. The specifications of this subpoena are to be construed as being inclusive rather than exclusive. Thus, use of the singular form of any word includes the plural and vice versa; words importing one gender includes both genders; the connectives "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this subpoena all documents that might otherwise be construed to be outside of its scope; the words "all," "any," and "each" shall each be construed as encompassing "any and all." Local Civil Rule 26.3(d).

4. In producing responsive documents, you should furnish all documents in your possession, custody, or control, regardless of whether such documents are possessed directly by you or by your directors, officers, partners, members, agents, employees, representatives, subsidiaries, managing agents, affiliates, investigators, or by your attorneys or their agents, employees, representatives or investigators.

5. You are to produce any and all drafts and copies of each document that are responsive to any specification of this subpoena and all copies of each such document that are not identical in any respect, including but not limited to handwritten notes, markings, stamps, interlineations, and electronic information.

6. With respect to Electronically Stored Information ("ESI"):

a. All electronic mail and spreadsheets responsive to this subpoena that are maintained in the usual course of business in electronic format are to be produced in their native format along with the software necessary to interpret such files if such software is not readily available.

b. All other documents responsive to this subpoena that are maintained in the usual course of business in electronic format are to be produced in properly utilized, multi-page TIFF Group IV format complete with full text extracts and all associated metadata.

c. All documents responsive to this subpoena are to be produced with the metadata normally contained within such documents, and the necessary Concordance, Introspect or other database load files. If such metadata is not available, each document is to be accompanied by a listing of all file properties relating to such document, including, but not limited to, all information relating to the date(s) the document was last accessed, created, modified or distributed, and the author(s) and recipient(s) of the document.

d. Under no circumstances should ESI be converted from the form in which it is ordinarily maintained to a different form that makes it more difficult or burdensome to use. ESI should not be produced in a form that removes or significantly degrades the ability to search the ESI by electronic means where the ESI is ordinarily maintained in a way that makes it searchable by electronic means. Databases or underlying data should not be produced without first discussing production format issues with Plaintiff's counsel. If you decline to search or produce ESI on the

ground that such ESI is not reasonably accessible because of undue burden or cost, identify such information by category or source and provide detailed information regarding the burden of cost you claim is associated with the search or production of such ESI.

7. All documents that are physically attached to each other when located for production are to be left so attached when produced. Documents that are segregated or separated from other documents, whether by inclusion in binders, files, subfiles, or by use of dividers, tabs or any other method, are to be left so segregated or separated when produced. Documents are to be produced in the order in which they were maintained and in the files in which they were found.

8. If any document, or any part of a document, called for by this subpoena has been destroyed, discarded, lost, or otherwise disposed of or placed beyond your custody or control, you are to furnish a list identifying each such document by: (a) date; (b) author; (c) recipient(s); (d) type of document (e.g., letter, memorandum, chart, e-mail, etc.); (e) general subject matter; (f) the document's present or last-known location or custodian; (g) the date of the document's destruction or other disposition; (h) the reason for such destruction or other disposition; and (i) the person authorizing such destruction or other disposition.

9. Each specification of this subpoena requires production in full, without abbreviation, redaction, or expurgation, of any responsive documents. If any responsive document is not or cannot be produced in full, produce it to the extent possible, indicating which document, or portion of that document is being withheld, and the reason(s) it is being withheld.

10. Documents not otherwise responsive to specifications of this subpoena are to be produced if such documents mention, discuss, refer to, or explain the documents which are responsive to this subpoena, or if such documents are attached to documents responsive to this

subpoena and constitute routing slips, transmittal memoranda, or letters, comments, evaluations or similar materials.

11. If in responding to this subpoena, you encounter any ambiguity in construing it or any definitions and instructions relevant to it, set forth the matter or term deemed "ambiguous" and the construction used in responding to the subpoena.

12. If a privilege is claimed as the basis for not producing any document, you are to furnish a privilege log setting forth, for each such document: (a) nature of the privilege (including work product) which is being claimed and, if the privilege is governed by state law, indicate the state's privilege rule being invoked; (b) the type of document, e.g., letter, memorandum, etc.; (c) the general subject matter of the document; (d) the date of the document; and (e) the author of the document, the addressees and any other recipients of the document and, where not apparent, the relationship of the author, addressees, and recipients to each other. Local Civil Rule 26.2(a).

13. The specifications of this subpoena are submitted for the purposes of discovery and are not to be taken as waiving any objections to the introduction of evidence on subjects covered by this subpoena, or as an admission of the relevance or materiality of any of the matters covered by this subpoena.

DOCUMENTS TO BE PRODUCED

1. Documents sufficient to describe the relationship between You and each of the Persons identified in Attachment C to this subpoena.

2. All Documents containing or evidencing any Communications between or among any of the Persons identified in Attachment C to this subpoena.

3. All Documents Concerning the transfer of funds, Argentine sovereign debt, or other property to, from, or among any of the Persons identified in Attachment C to this subpoena.

4. Documents sufficient to identify any and all beneficial owner(s) of each of the Persons (excluding natural persons) identified in Attachment C to this subpoena.

5. Documents sufficient to identify the business and operations of any of the Persons (excluding natural persons) identified in Attachment C to this subpoena.

6. Documents sufficient to identify any and all Person(s) authorized to give instructions on behalf of any of the Persons identified in Attachment C to this subpoena.

7. Documents sufficient to identify any property of any of the Persons identified in Attachment C to this subpoena.

8. All Documents Concerning any services provided by You to any of the Persons identified in Attachment C to this subpoena.

9. Any Documents You have produced or plan to produce in response to any request for information of any kind received from any person in connection with any investigations of You or any of the Persons listed in Attachment C by any government authority, including any such authority of or in the Republic of Argentina.

SUBJECTS FOR EXAMINATION

1. The relationship between You and any of the Persons identified in Attachment C to this subpoena.

2. All Communications Concerning or referencing the Persons identified in Attachment C to this subpoena.

3. The transfer of funds, Argentine sovereign debt, or other property to, from, or among any of the Persons identified in Attachment C to this subpoena.

4. The beneficial owner(s) of each of the Persons (excluding natural persons) identified in Attachment C to this subpoena.

5. The business and operations of any of the Persons (excluding natural persons) identified in Attachment C to this subpoena.

6. Any and all Person(s) authorized to give instructions on behalf of any of the Persons identified in Attachment C to this subpoena.

7. Any property of any of the Person(s) in Attachment C to this subpoena.

8. The services provided by You to any of the Persons identified in Attachment C to this subpoena.

9. Your response to any Communications, requests or subpoenas received from any Person in connection with any investigations of You or any other Person listed in Attachment C by any government authority, including any such authority of or in the Republic of Argentina.

ATTACHMENT C

LIST OF PERSONS REFERENCED IN ATTACHMENTS B[6]

No.	Individual or Entity Name	Address
Persons of Interest Connected to Marynberg and Latam		
1.	Diego Adolfo Marynberg	110 Central Park S, 17th floor New York, NY 10019-1503
2.	Axel Kicillof	--
3.	Sergio Szpolski	--
4.	Jorge Pepa	99 Stanwich Rd. Greenwich, CT 06830-4015
5.	Emilio Ocampo	--
6.	Sergio Gustavo Marynberg	--
7.	[redacted]	--
8.	Paula Español	--
9.	Emanuel Álvarez Agis	--
10.	Juan Miguel Cuattromo	--
11.	Pablo López	--
12.	Augusto Costa	--
13.	Juan Carlos Fábrega	--
14.	Alejandro Vanoli	--
15.	Jonathan Jeffrey Shepland	91 Garden St. # 1 Garden City, NY 11530-6506
16.	Howard Spindel	400 E 85th St. Apt. 15F New York, NY 10028-6323
No.	Individual or Entity Name	Address
17.	Latam Securities LLC	150 Central Park South, 2d Floor New York, NY 10019

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6 This list also refers to and includes an entities' parents, subsidiaries, and affiliates, as well as an individuals' or entities' employees, agents, representatives, and all other Persons acting or purporting to act for or on the Person's behalf, whether or not authorized to do so.

		c/o Vcorp Services LLC 1811 Silverside Rd. Wilmington, DE 19810
18.	Arcadia Advisors	San Martín 323, piso 17°, Ciudad de Buenos Aires, Argentina
19.	BGC Partners	499 Park Avenue New York, NY 10022
20.	Geo Equity Opportunities I Ltd	Palm Grove House P.O. Box 438 Road Town Tortola VG1110 British Virgin Islands
21.	Mercantil Valores SA	Dr. Luis Bonavita 1294, Of 608, Word Trade Center Free Zone, Montevideo, Uruguay
22.	Adar Capital Partners	89 Nexus Way Camana Bay Cayman Islands
23.	Adar Funds	89 Nexus Way Camana Bay Cayman Islands
24.	Mercantil Financial Services Ltd.	Ruta 8 KN 17.500 Oficina 217 A, C.P. 91.600 Montevideo, Uruguay
25.	Goldman Sachs Execution & Clearing L.P.	200 West Street New York, NY 10282
26.	UBS	299 Park Avenue New York, NY 10171
27.	Credit Suisse	11 Madison Avenue New York, NY 10010
28.	Nomura Bank	Worldwide Plaza 309 West 49th Street New York, NY
29.	Banco Central de la República Argentina	Reconquista 266 (1003) Buenos Aires, Argentina

Rule 45 Federal Rules of Civil Procedure, Parts D & E

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) ***Avoiding Undue Burden or Expense; Sanctions.*** A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction--which may include lost earnings and reasonable attorney's fees--on a party or attorney who fails to comply.

(2) ***Command to Produce Materials or Permit Inspection.***

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises--or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) ***Quashing or Modifying a Subpoena.***

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

(i) fails to allow a reasonable time to comply;

(ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);

(iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or

(iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

(i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and

(ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) ***Producing Documents or Electronically Stored Information.*** These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) ***Claiming Privilege or Protection.***

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

(i) expressly make the claim; and

(ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.